



EPA Region 10 RTOC
Regional Tribal Operations Committee
Curyung Tribal Council
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October 21, 2014

Administrator Gina McCarthy
Office of the Administrator 1101A
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

RE: EPA Promulgation of Washington Fish Consumption Rates

Dear Administrator McCarthy:

This letter is sent on behalf of the Tribal Caucus members of EPA Region 10's Tribal Operations Committee ("RTOC"). This letter is not sent on behalf of EPA Region 10 or any employees of EPA, but solely on behalf of the tribal government representatives of the RTOC.

Specifically, the Tribal Caucus calls upon EPA to move with promulgation of the revision to Washington's water quality standards to increase the fish consumption rate.

As you may know, Washington Governor Jay Inslee recently released a draft revision to Washington's water quality standards that increases the fish consumption rate, but also increases the allowable cancer risk level from 1 in one million to 1 in 100,000. Tribes believe this proposal flies in the face of their treaty-reserved fishing rights and principles of environmental justice and civil rights by disproportionately impacting those who consume greater amounts of fish. Since Washington embarked on this process, Northwest Tribes and EPA Region 10 made it clear to the State that the revisions must be on par with Oregon – a fish consumption rate of 175 grams per day and a cancer risk of 1 in one million.

Last month, the Northwest Indian Fisheries Commission ("NWIFC") sent a letter to Governor Inslee notifying the Governor that in light of the State's approach that "[t]he tribes will ... request that the Environmental Protection Agency move forward with rule promulgation to ensure the protection of water quality, fish consumption, and human health."

At its recent meeting in Pendleton, Oregon, the Association Tribes of Northwest Indians ("ATNI") passed a resolution echoing this letter and calling upon EPA to move to promulgate the new standards in Washington.

It is our understanding that Regional Administrator Dennis McLerran has requested authorization from you to move forward on this request and to begin promulgation of the revised fish consumption rate.

The Tribal Caucus of the RTOC joins with the NWIFC and ATNI in requesting EPA take the lead and begin promulgation of the new fish consumption rate for the State of Washington. We believe that the State process has been plagued with delay (the proposal was supposed to be completed by the end of the year) and fails to protect the health of tribal members by allowing fish consumptions to face a bigger risk of cancer.

For these reasons, we ask that you move forward with Dennis McLerran's proposal and move forward to promulgate a revised fish consumption rate in Washington.

Sincerely,

A handwritten signature in black ink that reads "William (Billy) J. Maines". The signature is written in a cursive, slightly slanted style.

Billy Maines
Region 10 RTOC
Tribal Caucus Co-chair

Cc: RTOC
Dennis McLerran, EPA Region 10 Administrator